



## Hearing Officer January 7, 2022

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### Item 1: Variance Request – Driveway slope to exceed 14%.

Public Hearing: No  
Application No.: BOA-1-18  
Property Address: 358 North Flag Rock Drive (375 East)  
General Plan Designation: LDR (Low Density Residential)  
Zoning Designation: LR-F (Large Residential - Foothill)  
Area: 6.12 Acres  
Number of Lots: 1  
Property Owner: Mark Keaton Hoskins  
Agent: Mark Keaton Hoskins

Request: *Applicant requests variance from Farmington City Code Section 11-30-050 (G)(5) and Section 11-32-060 (A)(4) to allow a driveway slope to exceed 14%.*

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#### **Background Information**

The applicant has been constructing a home on the east bench of Farmington at the subject address which includes a driveway of over 550 feet in length. The construction drawings approved by the city indicated that the driveway would be built in accordance with city code. In the process of reviewing the driveway on site in relation to a request by a neighboring property owner for potential access to part of their lot, city staff confirmed that the driveway includes slopes which exceed the 14% allowed by ordinance. After sending notice of these findings, Mr. Hoskins had additional analysis completed to confirm the actual slope of the driveway and provided a topographic survey showing contours with one foot intervals and a second drawing showing the slope percentages along the driveway. These drawings have been included with the report. In brief, the slope survey indicates that approximately 42% of the driveway area is in compliance while the remainder exceeds the slope by varying degrees.

Per slope percentage drawing (attached):

Percent of Driveway	Slope Range
42	Less than 14%
24	Between 14% and 16%
25	Between 16% and 18 %
6	Between 18% and 20 %
3	Greater than 20 %

Per the applicant's variance submittal: "The driveway leading into my home is over 14% grade. The driveway is 50% 14% or under, but the rest of driveway is more. I was told by builder the driveway was to code. The city also put fire hydrant on road. At this point I'd be \$250,000 to change the road."

The applicable sections in the ordinance from which the variance is being sought are as follows:

**11-30-050 (G)(5)** *'Points of access shall be provided to all developed and nondeveloped areas for emergency firefighting equipment. Driveways shall not exceed a slope of fourteen percent (14%) and shall have direct access to a public street.'*

**11-32-060 (A)(4)** *'Driveways shall not exceed a slope of fourteen percent (14%).'*

Per the provided documentation, the subject driveway has sections with a slope as steep as 21%, therefore a variance if merited should consider allowances for an increase of up to 7% beyond the prescribed maximum.

City Staff does have concern regarding the requested variance and the ability to provide access to the property for emergency firefighting equipment. The city's fire apparatus are rated for slopes under 14%. The driveway already contains a fairly sharp turn adding to the challenges of providing access.

The standards for consideration of a variance are set forth in Section **11-5-080** of the Farmington City Zoning Ordinance consistent with Section 10-9a-702, Variances, of Utah State Code:

**11-5-080: VARIANCES:**

A. Authorized: The board of adjustment (or hearing officer) may authorize upon appeal, variance from the provisions of this title where it can be shown that due to special circumstances the literal enforcement of this title would result in undue hardship to the property owner. Special circumstances that warrant a variance shall apply to a specific parcel of property and include such things as exceptional narrowness, shallowness or shape of the property; exceptional topographic conditions; or other extraordinary and exceptional situations or conditions. Hardship, as used herein, shall be distinguished from a mere inconvenience to the property owner or a desire to reduce financial costs. In granting a variance, the board may affix any conditions it feels are necessary to carry out the intent of this title.

B. Variance Criteria: Unless otherwise provided in this title, the board may grant a variance from the requirements of any provision of this title to the extent that such a grant shall be consistent with the provisions of this section. Each case shall be considered only on its individual merits; a previous variance shall not be deemed to set a precedent.

1. The appeal authority may grant a variance only if:
  - a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;
  - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
  - c. Granting a variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
  - d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
  - e. The spirit of this title is observed and substantial justice done.
2. Variances must also meet the following criteria:

- a. In determining whether or not enforcement of this title would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship:
  - (1) Is located on or associated with the property for which the variance is sought; and
  - (2) The circumstance is peculiar to the property and not from conditions that are general to the neighborhood.
- b. In determining whether or not enforcement of this title would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In this context, personal, family or financial difficulties, loss of prospective profits or neighboring violations are not hardships justifying a variance.
- c. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances:
  - (1) Relate to the hardship complained of; and
  - (2) Deprive the property of privileges granted to other properties in the same zone.
- C. Additional: Additional variance standards and criteria:
  1. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
  2. Variances run with the land.
  3. The variance will not authorize a use other than those uses specifically allowed as permitted or conditional uses in the zone in which the subject property is located.
  4. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
    - a. Mitigate any harmful effects of the variance; or
    - b. Serve the purpose of the standard or requirement that is waived or modified.

After review of the provided information, applicable ordinances, and upon hearing the applicant's arguments for meeting the necessary criteria to qualify for a variance, the Hearing Officer should make a ruling with findings to support the decision.

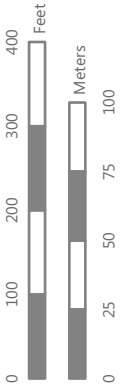
#### **Supplemental Information**

1. Vicinity Map
2. Plan Review Comments
3. Approved Site Plan
4. Notice of Violation
5. Temporary Occupancy Inquiry
6. Existing Conditions Contour Drawing
7. Existing Conditions Slope Drawing





Disclaimer: This map was produced by Farmington City GIS and is for reference only. The information contained on this map is believed to be accurate and suitable for limited uses. Farmington City makes no warranty as to the accuracy of the information contained for any other purposes.



# VICINITY MAP

358 North Flag Rock Drive





\* Please show slope of driveway  
- cannot be more than 14% at centerline

Received	11/18/2020
Corrections	11/20/20 SA
Recheck	12/10/2020
Corrections	
Recheck	
Corrections	
Recheck	
Stamped	12/11/20 SA

# FARMINGTON CITY SITE PLAN/STORM WATER PLAN CHECKLIST

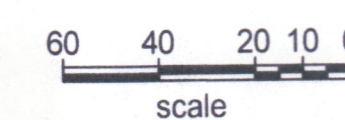
PROJECT ADDRESS:	358 N 345 E	# <del>15735</del> 15742
SUBDIVISION:	Res@ Fm Hills	LOT # 110

Revise items circled in RED and return with corrected site plan and checklist. Items checked

SITE PLAN shall contain the following information:

1. Shall be drawn to scale of a least 1"=20' and the scale shall be shown on the plan
2. North arrow
3. Address and lot number
4. Subdivision title or owner's tax ID number
5. Lot dimensions (all sides)
6. Show and label size, use and location of **ALL EASEMENTS** (include drainage, utility, trail, fault, conservation easements, etc.)
7. Name or number of all frontage streets
8. Location of the building on the lot and location of existing buildings. Label actual setback measurements.
  - Front setback dimension •Both side setback dimension •Rear set back dimension
- NOTE: All setback dimensions shall be taken perpendicular to the property lines
9. Outside dimensions of the building
10. Show and label location and width of driveway (30' max curb cut, a 3 car garage is allowed 30', a 2 car garage is allowed 20') and off-street parking, and slope of driveway in % (not to exceed 14% at any point on driveway)
11. Flood zone designation and base flood elevation (if applicable) \_\_\_\_\_
12. Show finished grade elevations at lot corners, top back of curb, and house corners
13. Elevation of all floors, including basement and garage- Must allow 6" drop in 10' +2% slope to street
14. Location, engineer design (if over 4 ft. tall) and elevation of all retaining walls
15. Put this note on plans: "All storm water and dirt will be kept on site during construction until final landscaping is done." General Contractor will be held responsible for keeping dirt/mud on site during bad weather and for cleaning up after subcontractors
16. Drainage: Lots shall be graded so as to drain surface water away from foundation walls. Put this note on plans: "The grade away from foundation walls shall fall a minimum of 6 inches within the first 10 ft (5%)." R401.3
17. Put this note on plans: "Street curb and gutter will be inspected and cleaned of all mud and dirt at the end of every day"
18. Put this note on plans: "Gravel bags (or equivalent BMP) to be placed and maintained around any storm drain inlet adjacent to or immediately downstream from site during construction"
19. Surface drainage shall be diverted to a storm sewer conveyance or other approved point of collections so as to not create a hazard. Use arrows on site plan to show direction of storm water drainage from front, sides and rear of lot.
20. Put this note on plans: "Berms or swales may be required along property lines to prevent storm water flow onto adjacent lots. Final grading shall blend with adjacent lots."
21. Put this note on plans: A lined concrete washout area must be provided at the site for all concrete, paint, stucco, or masonry work. Washout on the ground is prohibited.
22. Provide storm water permit application, SWPPP, and bond agreement with fee/\$1,000 bond, which will be added on to the Building Permit.





## SITE PLAN





# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
SHAWN BEUS  
SCOTT ISAACSON  
AMY SHUMWAY  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

August 6, 2021

Keaton Hoskins  
1789 West Beaumont Drive  
Kaysville, Utah 84037

**Notice of Violation of Approved Site Plan and Subdivision Plat**

(Lot 110, Residences of Farmington Hills, 358 North Flag Rock Drive (375 East), Farmington, Utah,  
County Parcel ID #07-325-0110)

Dear Mr. Hoskins,

Farmington City approved a site plan and issued a building permit to you on December 28, 2020 for a single-family home located at the above referenced location/lot.

1. It has come to the attention of the City that an accessway has since been established, in violation of the approved site plan and subdivision plat, leading from your building site to a dirt road which runs parallel to the Weber Basin Adequate in the easterly part of your property.
2. The slope of the driveway, which provides access for the single-family home, cannot exceed a slope of 14%. The approved site plan is consistent with this standard. However, it appears that the slope of the now existing driveway may be greater than 14%.

Please immediately arrange a meeting with Farmington City to provide an acceptable plan of action to address the foregoing issues (one and two). Failure to do so will result in a stop work order placed on the building project for the lot.

You are welcome to contact me at [dpetersen@farmington.utah.gov](mailto:dpetersen@farmington.utah.gov) or 801-939-9211; or arrange a meeting with city officials through Carly Rowe at [crowe@farmington.utah.gov](mailto:crowe@farmington.utah.gov) or 801-939-9215.

Sincerely,

David Petersen  
Community Development Director

Cc: Ben Miller, Contractor (Superintendent)  
Eric Miller, Building Official  
Chad Boshell, City Engineer  
Jens Jorgensen, Stormwater Official  
Shannon Hansell, City Planner



# FARMINGTON CITY

H. JAMES TALBOT  
MAYOR

BRETT ANDERSON  
SHAWN BEUS  
SCOTT ISAACSON  
AMY SHUMWAY  
REBECCA WAYMENT  
CITY COUNCIL

SHANE PACE  
CITY MANAGER

December 6, 2021

Keaton Hoskins  
1789 Beaumont Drive  
Kaysville, Utah 84037

Re: Temporary Occupancy Inquiry

Dear Mr. Hoskins,

As a follow up to our previous meetings, I recently reviewed Temporary Certificate of Occupancy (TCO) standards with the Farmington City building official, Eric Miller. An applicant for a TCO must agree to complete, repair, and/or replace incomplete improvements on a final inspection report, which in your case might include, among other things, making changes and/or modifying the driveway to ensure it meets City standards [note: you provided information prepared by David Hunt showing that the slope of the existing driveway violates your approved site and is not consistent with City requirements].

Prior to approval of a TCO an applicant agrees to deliver to the City cash or a cashier's check in the amount equal to a reasonable preliminary estimate of the cost of the incomplete improvements, or work listed in the inspection report, together with 15% of such costs to secure the performance of the applicant's obligations.

If you have any questions, you are welcome to contact me at [dpetersen@farmington.utah.gov](mailto:dpetersen@farmington.utah.gov), phone: 801-939-9211, or Eric Miller at [emiller@farmington.utah.gov](mailto:emiller@farmington.utah.gov), phone: 801-939-9219,

Best Regards,

David Petersen  
Zoning Administrator/Community Development Director

Cc: Eric Miller, Building Official



